

## COUNTY OF LINCOLN

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### New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair  
Dallas Draper, Vice Chair

Thomas F. Stewart, Member  
Elaine Allen, Member  
Lynn Willard, Member

#### Minutes Tuesday, May 19, 2015

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on May 19, 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

#### 1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30:22 AM.

#### 2. Roll Call

##### Roll Call.

**Present:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

#### 3. Invocation

The invocation was presented by Commissioner Stone.

#### 4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

#### 5. Approval of Agenda

**Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,

**Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### 6. Approval of Minutes

- a) April 13, 2015 Special Commission Meeting
- b) April 14, 2015 Special Commission Meeting
- c) April 21, 2015 Regular Commission Meeting
- d) April 28, 2015 Special Commission Meeting

**Motion:** Approve the minutes of the April 13, 2015 Special Meeting; April 14, 2015 Special Meeting; April 21, 2015 Regular Commission Meeting; and the April 28, 2015 Special Commission Meeting. **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### 7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures

## b. Treasurer's Financial Report for the Month ending March 31, 2015

**Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**No:** Commissioner Stewart.

**SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part hereof.

## 8. Capitan Municipal Schools Request to Co-locate Repeaters on County Sites

Nita Taylor, Manager informed the Capitan Municipal School District presented a request to co-locate repeaters in County owned buildings on top of East Capitan Mountain and in the future on Carrizo Peak to ensure adequate radio coverage for school bus operations.

Ms. Taylor stated a site inspection with Joe Kenmore, Director of the Office of Emergency Services (OES) and a representative from Southard Services revealed sufficient space in the building on Capitan Mountain to house the repeaters. Ms. Taylor stated no interference problems with County communications or those of the Smokey Bear Ranger District were anticipated.

Shirley Crawford, Superintendent of Capitan Municipal Schools informed the co-location of repeaters would benefit the School District with improved bus and emergency personnel communications.

**Motion:** Approve the request from Capitan School District to co-locate repeaters, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Alan Morel, County Attorney advised he would create a simple tower agreement but questioned if there was a need to address maintenance and liability limitations. Attorney Morel also questioned if there were any associated costs.

Joe Kenmore, Director of OES explained as this was a public service there were no associated costs.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

## 9. Funding Options for Lincoln County Medical Center's Renovations and Expansion Plan: Presentation by Erik Harrigan, RBC Capital

Ms. Taylor reminded during the April 21, 2015 Special Commission Meeting the Board of County Commissioners approved the option to renovate and remodel the Lincoln County Medical Center for an estimated cost of \$25 to \$30 million. Ms. Taylor stated as per direction from the Board of County Commissioners she scheduled a presentation by RBC Capital Markets, LLC to discuss the various funding options.

## a. Consideration of Retaining RBC Capital Markets, LLC

Erik Harrigan of RBC Capital Markets stated he prepared a presentation of various options but was not making a specific recommendation at this time. Mr. Harrigan discussed the definition of municipal bonds as an obligation to repay debt from a particular source of revenue. Mr. Harrigan stated the Federal Government provided for an option to issue a tax exempt bond when public funds or revenues were pledged for repayment. Mr. Harrigan stated the issuance of tax exempt bonds would significantly lower borrowing costs.

Mr. Harrigan discussed the advantages and disadvantages of General Obligation Bonds versus Gross Receipt Tax Bonds including associated costs, whether or not voter approval was required, the maximum number of years for repayment, and the amount of "coverage" required. Mr. Harrigan defined "coverage" as the amount of revenue required over and above the actual debt service.

Mr. Harrigan also discussed the difference between Net Revenue Bonds and Lease Revenue Bonds. Mr. Harrigan commented a lease revenue source was less common and typically incurred the highest borrowing costs. Mr. Harrigan stated when utilizing a lease payment to secure a Lease Revenue Bond, the lease payment must exceed the debt service payment sufficiently to

ensure "coverage". Mr. Harrigan stated typically Lease Revenue Bonds attracted fewer purchasers than other municipal bonds and therefore carried a higher interest rate.

Mr. Harrigan discussed various options for marketing bonds through public and private entities. Mr. Harrigan opined that based on the County's current financial status the County should receive favorable interest rates in either the public or private market.

There was a general discussion regarding various Gross Receipts Tax (GRT) increments available for imposition by the County and whether or not those increments required voter approval.

**Motion:** Authorize the Manager to enter into a municipal advisory agreement with RBC Capital Markets, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Commissioner Willard questioned the approximate cost for RBC's services. Ms. Taylor stated costs were associated with actual issuance and the representation of a transaction. Mr. Harrigan concurred and stated should the County chose not to issue bonds, the cost for RBC's services were limited to costs incurred for travel.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**No:** Commissioner Stewart.

#### 10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Draper congratulated local high school sports teams for their excellent performance during the past year.

Commissioner Allen commented on the positive attitude exhibited by the Pink Ladies Auxiliary of Lincoln County Medical Center.

Steve Duffy, local fund raiser and grant writer expressed support for the long range master plan for the Lincoln County Medical Center complex. Mr. Duffy discussed the initiative to raise private capital to help fund the remodel and renovation project. Mr. Duffy informed LCMC hired the firm of Lawson and Associates to conduct a "capital campaign". Mr. Duffy discussed the possibility of providing "naming opportunities" for contributors. Mr. Duffy anticipated presenting a request to the Board of County Commissioners in the near future for approval of these "naming opportunities".

#### 11. Land & Natural Resources Matters

**Smokey Bear Ranger District:** Lorretta Benavides informed she was serving as the Acting District Ranger until September while Ranger David Warnack completed an assignment on the Gila National Forest. Acting Ranger Benavides stated Recreation and Land staff were working with the Gun Club and Calcium Creek landowners to resolve noise issues related to the Gun Club's Special Use Permit. Acting Ranger Benavides anticipated the USFS Regional Office would complete the internal review of the Draft Record of Decision and Final Environmental Impact study for the North Fork Eagle Creek well Special Use Permit in mid-June. Acting Ranger Benavides reported the District Fire Danger remained at Moderate with all seasonal crews fully staffed and prepared for fire season.

**Cibola National Forest - Consideration of Entering into MOU:** Ms. Taylor presented a Memorandum of Understanding (MOU) between Lincoln County and the Cibola National Forest to participate as a cooperating agency in the development of the Cibola's draft Forest Plan.

Chair Stone expressed belief the County wished to participate as a cooperating agency in the revision of the Cibola's Forest Plan but objected to the language of Section V(A) which reads "The U.S. Forest Service has sole and ultimate decision making authority regarding the management of National Forest System lands". Chair Stone stated this language was counter-productive when inviting participation from cooperating agencies.

Alan Morel, County Attorney stated since the agreement was unsigned by either party the County could delete the Section and return it to the US Forest Service for consideration.

**Motion:** Approve the MOU between Lincoln County and the Cibola National Forest striking Section V(A), **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**Forest Health - Community Forester:** Ms. Taylor reported Ranches of Sonterra residents had expressed appreciation for Rural Forester Rick Merrick's assistance with their community FIREWISE event.

Rick Merrick, Rural Forest provided an update on recent activities including thinning projects in the Wildland Urban Interface, the ongoing Forest Speaker Series, and his recent appointment as Vice President of the NM Prescribed Fire Council. Mr. Merrick stated the Ranches of Sonterra had met the criteria for recognition as a FIREWISE community

**NM Game & Fish – Bear and Cougar Hunting Rules:** Ms. Taylor informed the Department of Game and Fish had opened the Bear and Cougar Rule to develop prospective amendments. Ms. Taylor provided a broad overview of the process as well as a list of public meetings for discussion of the new rule.

Commissioner Allen explained the rule was opened for review once every four years. Commissioner Allen noted the plan to increase the overall take for these animals could also include an opportunity for ranchers to participate in reducing numbers.

**Water Issues:**

**A. Regional Water Plan Update:** Lincoln County as a Stakeholder in the NM Interstate Stream Commission's Region 10 – Lower Pecos was informed of efforts to update the 2001 Water Plan. Ms. Taylor detailed the various steps being taken including the distribution of survey forms; utilization of a consultant to gather information about related programs, policies and procedures for inclusion in the plan; and regional meetings in the area.

**B. Water Rights Notices:** Ms. Taylor informed three new water rights notices were posted on the State Engineer's website as follows:

1. SD-070867-9A Valley Apple Estates LLC to divert 1.973 acre-feet per annum of surface water from point of diversion and place of use near Glencoe to point of diversion and place of use near Hondo.

2. SD-0867-9 Andrew Herrera, Frutoso Herrera, Fermin Herrera, Ervin Herrera, Freddy, Herrera, and Emileen Montano to divert 0.2656 acre-feet per annum from point of diversion and place of use near Glencoe to point of diversion and place of use near Hondo.

3. SD 1914 & H0582-A into H4442-PODI Donaldson Enterprises, Inc. to commence diversion of 19.5 acre feet per annum of surface water and groundwater with move from and move to points of diversion and place of use located .086 miles northwest of Hondo.

Update on the 2013 Applications for transfer by the Village of Ruidoso and subject of lawsuit by Lincoln County against the Village of Ruidoso:

Office of the State Engineer cancelled all three requests; Office of the State Engineer denied requests for extension of time to fulfill requirements of the permits; and disallowed the Village of Ruidoso's accrual of credits from one year to the next.

**C. American Land Council:** Blair Dunn invited Lincoln County officials to participate in the American Lands Council – New Mexico Post Session Summit on May 16, 2015.

Chair Stone recessed the Regular Meeting at 10:11:56 AM and reconvened at 10:22:39 AM.

**26. Office Space remediated & renovated by the County of Lincoln for use by the 12<sup>th</sup> Judicial District Attorney**

Ms. Taylor presented a copy of a letter received from District Attorney Diana Martwick on May 14, 2015. Ms. Taylor noted Ms. Martwick was present at the meeting and suggested she address the Commission.

Ms. Martwick informed she had consulted with the NM Attorney General regarding her belief Lincoln County was not providing adequate office space for the District Attorney. Ms. Martwick further stated while she hoped these issues were resolved through mediation she would not proceed with litigation.

Ms. Martwick objected to the renovated space as insufficient to meet the District Attorney's needs and stated security measures were inadequate to meet confidentiality requirements.

Ms. Martwick discussed the public's constitutional right to access and asserted the only resolution to this issue was to relocate the District Attorney's office to Ruidoso. Ms. Martwick stated the

majority of residents served were located in the population center of Ruidoso and lacked adequate transportation to and from the County Courthouse. Ms. Martwick stated the large number of "failure to appear" cases were a result of a failure by the County to provide public transportation.

Ms. Martwick stated she was not prepared to move into the renovated space by the end of May when the current lease expired.

Chair Stone suggested, for the convenience of the District Attorney, the Commission consider extending the lease for one month.

Ms. Taylor stated the lease payment was approximately \$1700 per month and the landowner confirmed they could accommodate an extension of the lease until the end of June.

**Motion:** Extend the lease agreement for office space for the District Attorney at the NRCS building until June 30, 2015, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Attorney Morel stated the Commission should accept the District Attorney's earlier statement as a credible threat of litigation. Attorney Morel commented the location of the County Courthouse in Carrizozo was not a point of negotiation, the District Attorney's office was located in the Courthouse for all of these past years, the County had spent in excess of \$400,000 to remediate problems in the Annex building, and the County provided accommodations for the District Attorney during this renovation. Attorney Morel agreed there was a need to address security issues and the County might discuss relocation of the county employee. Attorney Morel stated prior to those discussions the County Commission would need a commitment from the District Attorney to utilize the space prior to expending more money to resolve issues.

Ms. Martwick stated with all the current issues she would not occupy the space and expressed belief the Attorney General was concerned about the access issue.

Attorney Morel reminded the District Attorney's office was a State Agency and State Statute required the County provide adequate quarters for the District Attorney as well as utilities and maintenance for operation and upkeep. Attorney Morel stated many of the budgetary issues Ms. Martwick raised were State budget problems not Lincoln County's. Attorney Morel expressed a desire to work with Ms. Martwick to meet statutory requirements.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Ms. Taylor identified several options to address the District Attorney's security issues but noted these would require expenditure of additional funds.

After further discussion, Chair Stone recessed the Regular Meeting at 10:52:09 AM to review the renovated office space and reconvened at 11:08:57 AM.

Attorney Morel suggested additional time to consider solutions but requested a commitment from the District Attorney prior to moving forward with security measures.

Ms. Martwick committed to moving into the County Annex building but stated the commitment did not constitute an agreement the space provided was adequate and the move was contingent upon adequate security measures.

## 12. Manager's Report

1. **Behavioral Health Services in Lincoln County.** Rex Wilson, Director-Southern Region for Presbyterian Medical Services (PMS), informed La Frontera, Community Mental Health Center, would no longer provide counseling services in Ruidoso as of June 30, 2015. In response to this closing the State requested PMS and other MCO's to develop a response to the behavioral health needs of Lincoln County, as well as neighboring counties of Torrance, Socorro and Otero. As part of the process, PMS must submit an application for Federal Qualified Health Center (FQHC) status and include letters of support from the community. Mr. Wilson requested written support from Lincoln County to submit the PMS application.

**Motion:** Direct the Manager to submit a letter of support for PMS, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).



**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

2. **Primary Telecommunications Audit:** The Manager reported she and the Finance Director met with The SpyGlass Group, LLC, regarding a potential audit of County primary telecommunications service accounts including local voice, long distance voice, data, internet and wireless to seek cost recovery, service elimination and cost reduction recommendations. The Manager stated the audit would provide recommendations without cost for potential improvements and also deliver a complete telecommunications inventory to County.
  3. **FY17 – 2021 Infrastructure Capital Improvement Plan – Local Government ICIP Guidelines:** The Manager and staff attended mandatory ICIP training conducted by the Department of Finance and Administration (DFA), Local Government Division, and SNMEDD on May 12, 2015. The Manager reported the County's plan should include the five year cycle from July 1, 2016 through June 30, 2021 with a deadline for submittal to DFA/LGD of September 2, 2015. The Manager stated staff would present the initial draft ICIP at the Regular Meeting in June, followed by a review during the Regular Meeting in July, and submission for final approval in August.
  4. **Multi-Line Pool Board.** The Manager, as the County's representative, attended the Multi-Line Pool Board meeting held May 6, 2015. The Manager reminded a key responsibility of the Multi-Line Board was to address litigation against counties across the state, consider input by the Multi-line staff and attorneys handling cases, and approve or disapprove recommendations for settlement of cases including settlement amounts. The Manager stated the Multi-Line Pool Board also assessed the health of the pool in general and made decisions on membership dues to counties. The Manager provided a summary of Lincoln County's claim history since 2005 and noted Lincoln County had demonstrated a positive trend in declining claim loss since FY 2012-2013.
2. **Building Projects**
    - a. *Public Officials Building.* The two-fold project includes a new roof, and installation of new HVAC units that control the temperature of each office independently. As this project has progressed, other building deficiencies were identified and required action. The Manager cited as an example the unclogging of drainage pipes located inside the exterior columns of the building. The Manager expected work to be completed with bills submitted and paid by the end of the fiscal year.
    - b. *Annex Building.* The Manager reported the renovation and remodel project was near completion with new piping and ceiling grids and tiles on the second floor and the new roof installed. The Manager anticipated completion of the first floor in the next week with replacement flooring; new ceiling tiles and grids; wall treatment; HVAC re-piping and new ADA compliant restrooms. The Manager noted previously unidentified problems needed to be addressed but anticipated completion by the fiscal year end.
    - c. *Carrizozo Senior Center.* Re-drawn architectural plans were under final review and pending approval from DFA's Local Government Division. The Manager anticipated reissuance of the formal RFP in the next month.
  3. **Upcoming Events.**
    - a. May 20<sup>th</sup> - GSWA Regular Meeting,
    - b. May 21<sup>st</sup> - GSWA Public Information Meeting
    - c. May 21<sup>st</sup> - Lincoln Historical Preservation Board.
    - d. May 22<sup>nd</sup> - Regional Water Plan Meeting.
    - e. May 25<sup>th</sup> - Memorial Day Observed (county offices closed)
    - f. May 27<sup>th</sup> - NM Game & Fish Mtg. on Bear & Cougar Hunting Rules:
    - g. May 30<sup>th</sup> - Hubbard Foundation NM Grant Program Reception and Award Presentation
  4. **Departmental Updates:**
    - a. Punkin Schlarb, Finance Director reported on year end close out procedures as well as continued preliminary budget analysis.
    - b. Carl Palmer, Road Superintendent discussed recent delays to expenditure of CAP/COOP road funds. Mr. Palmer stated he was entering into a Memorandum of Understanding (MOU) with the Village of Ruidoso for the purchase of hot mix.
    - c. Joe Kenmore, Director of the Office of Emergency Services (OES) informed the Hondo Fire Station received an improved ISO rating of 6, down from the previous ISO of 8. Mr. Kenmore discussed the potential for improvement in the Nogal Fire Department's current ISO rating of 9 with the installation of thirteen new fire

hydrants in Nogal. Mr. Kenmore reminded the public to be aware of the dangers of flash flooding and lightening associated with thunderstorms.

- d. Curt Temple, Planning Director stated his department would complete installation of the "Turn Around - Don't Drown" signage for twelve low water crossings during this month. Mr. Temple informed the State Engineer was utilizing office space in the County Substation in Ruidoso twice monthly to meet with the public. Mr. Temple stated he would present data collected by the Village of Ruidoso as required by the Permitting MOU at the next meeting. Mr. Temple stated the contract to construct the new Nogal Fire Station was awaiting signature of the main contractor. Mr. Temple anticipated set up and completion of the new Maintenance building in Carrizozo by end of July.

Commissioner Stone informed an individual contacted him about the cost prohibitive repair of a low water crossing to meet the County's Flood Plain Ordinance requirements. Chair Stone commented on the negative impacts of the Flood Plain Ordinance and discussed the problems associated with granting variances.

Mr. Temple reminded Lincoln County adopted a "minimal" Ordinance to accommodate federal requirements in order to provide subsidized flood insurance to residents. Mr. Temple estimated there were 121 Flood Insurance policies issued within the County at a reduced rate.

#### **13. Random Selection for Audit of Lodger's FY14-15 pursuant to Lincoln County Lodger's Tax Ordinance, Section 9**

Ms. Taylor reminded LC Lodger's Tax Ordinance 2004-04 required the Board of County Commissioners to select one or more vendors for the annual random audit. Ms. Taylor stated the annual audit was conducted to verify the amount of gross rent subject to the occupancy tax.

Ms. Taylor presented a blind drawing for two pools of thirteen lodger's each with one pool consisting of larger vendors and a separate pool for small vendors. Ms. Taylor stated as in previous years those lodger's audited in the prior year were removed from the selection pools.

Commissioner Allen selected at random vendors numbered seven and eight and Commissioner Willard selected vendors numbered fourteen and twenty two for audit.

#### **14. Memorial Day Proclamation**

Ms. Taylor stated it was fitting to specifically recognize by proclamation this year's Memorial Day Celebration. Ms. Taylor recommended approval of the proclamation in recognition of those who previously and more recently gave their lives in defense of our country.

**Motion:** Approve the Memorial Day Proclamation, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### **15. Liquor License Fee by Resolution 2014-43**

Rhonda Burrows, Clerk stated State Statute empowered county commissioners to adopt by resolution an annual, non-prohibitive license tax on those holding a state liquor license within the unincorporated areas of the county. Ms. Burrows stated the fees imposed by this Resolution were unchanged in the last several years.

**Motion:** Adopt Resolution 2014-43, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**SEE EXHIBIT B:** Copy of Resolution 2014-43 is attached hereto in reference thereto made a part hereof.

#### **16. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims**

Scott Annala, Indigent Health Care Administrator presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 13 claims with 13 recommended for approval and

none recommended for disapproval for a monthly authorization of \$18,135. Mr. Annala stated the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 to date was \$226,752 with a monthly average of \$20,614.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 10 claims with 7 claims recommended for approval and 3 for disapproval for a total payment this month of \$1,244.61, a record low. Mr. Annala stated the total expenditure for IHC claims for Fiscal Year 2014-2015 to date was \$62,340.55 for an average monthly indigent claims payment of \$5,667.32. Mr. Annala estimated expenditures based on average monthly payments of approximately \$68,000 of a budgeted \$363,000 this fiscal year.

**Motion:** Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**SEE EXHIBIT C:** Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

#### 17. Lincoln County Alarm System Ordinance 2011-04 Permit Violations:

##### a. Jessica Quintana

Attorney Morel informed LC Alarm System Ordinance 2011-04 required individuals who possess a burglar alarm to obtain a permit from the County as well as to annually renew such a permit. Attorney Morel stated non-payment and or non-renewal constituted a violation of the Ordinance.

**Motion:** Direct the County Attorney prepare and record a lien on the property of Jessica Quintana, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### 18. Letter of Support for Tierra del Sol Housing Corporation's request for the "Affirmation of Eligible Partner Status in the House by House Reservation Program."

Ms. Taylor provided background on the non-profit organization Tierra del Sol which assists low income homeowners with housing repairs to bring homes up to current code standards. Ms. Taylor stated a change in the organization's funding mechanism required them to seek an "Affirmation of Eligible Partners Status for the Owner Occupied House by House Reservation Program" prior to providing services in Lincoln County.

Ms. Taylor stated currently no individuals in Lincoln County were receiving assistance under the Owner Occupied Housing Rehabilitation Program, however Commissioner Stone and the Manager's office had received correspondence from residents in need of this service. Ms. Taylor also verified Tierra del Sol as a company in "good standing" with the Corporations Division of the Secretary of State's office.

**Motion:** Direct the Manager to send a letter of support for Tierra del Sol Housing Corporation, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### 19. Dispose of Surplus Inventory via Turn In for Credit

Ms. Taylor informed Sheriff Robert Shepperd requested approval to turn in for credit four old All-Terrain Vehicles (ATVs) towards a new ATV. Ms. Taylor stated Mickie Howard, Assets and Inventory would take the appropriate steps to notify the State Auditor and the New Mexico Department of Finance and Administration.

**Motion:** Adopt Resolution 2014-45, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).



**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Commissioner Willard, Commissioner Draper, and Clerk Burrows agreed to inspect the items prior to disposal.

**SEE EXHIBIT D:** Copy of Resolution 2014-45 is attached hereto in reference thereto made a part hereof.

Chair Stone recessed the Regular Meeting at 12:00:03 PM and reconvened at 1:00:12 PM.  
Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:00:27 PM.

**21. 1:00 P.M.: Public Hearing to consider the following**

- a. Lincoln County Ordinance No. 2015-03 – An ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; and Repealing Ordinance 2014-07.

Ms. Taylor stated since the County began billing for Solid Waste Services in January 2015, a number of residents had expressed concerns about the mandatory requirement to pay solid waste collection fees under different circumstances. Ms. Taylor stated the purpose of the public hearing was to present those concerns, discuss solutions and provide opportunity for members of the public to speak on the issues.

Ms. Taylor reminded Lincoln County Ordinance 2015-03 states "the responsible party...of any premises whether vacant, improved, or unimproved is responsible for payment of the mandatory fee for collection". Ms. Taylor discussed the definition of "premises" in the Ordinance as "the site of any dwelling, business, plant or commercial establishment ...and is the unit upon which mandatory fees are assessed and collected."

Ms. Taylor reported top complaints received included: residents who lived in the County but do not utilize the solid waste collection system; the payment of the same rate for service regardless of whether residents drive a number of miles to a compactor or receive curb service; owners of rarely used second homes objecting to full billing; owners of multiple properties receiving multiple bills; owners of multiple residences on one property receiving multiple bills; owners of vacant rental property; properties with no utilities or uninhabitable structures; and properties spanning more than one county.

Ms. Taylor noted only one exemption was defined in the current Ordinance which was for landowners with 300 or more contiguous acres of land with adequate disposal sites per household and who have obtained a permit from the NM State Environmental Department. Ms. Taylor stated the Environmental Department no longer issues these permits. Ms. Taylor suggested creating an application process should the County wish to continue this particular exemption.

Ms. Taylor pointed out the Ordinance as currently written does not provide authority for any County employee to grant any exemption.

Ms. Taylor stated the Ordinance was developed under the concept the collection of solid waste was essential to the health, welfare, and safety of all County landowners, residents and visitors and as such was designed to collect the same rate from each owner of every premises. Ms. Taylor stated it was important to remember every exemption granted would necessitate an adjustment to the overall fee assessment to meet costs.

Chair Stone expressed support for the large landowner exemption and agreed the County should develop an application process.

Commissioner Draper commented major revision of the Ordinance was untimely due to the uncertain nature of future solid waste collection services. Commissioner Draper expressed support for the three hundred acre exemption but suggested consideration of any other exemptions at a later date.

Chair Stone questioned if GSWA had provided a list of property owners who they exempted from payment. Linda Phillips, Solid Waste Billing Clerk stated no list of exemptions was provided by GSWA. Ms. Taylor stated GSWA had claimed there was no list maintained of exemptions granted.

Attorney Morel suggested some minor revisions to remove language referencing the now nonexistent State permit and to administratively create an application documenting information on landowners requesting a three hundred acre exemption.

Commissioner Stewart suggested an application for any exemption requested to accumulate data on a variety of exemption issues. Commissioner Stewart noted the County was transferring funds in the amount of \$254,064 in the next year to cover the deficit in fee collections and any data collected might prove valuable.

Linda Phillips, Solid Waste Billing Clerk stated the most common concern expressed by residents was whether a premises or dwelling was considered habitable or uninhabitable and therefore subject to billing. Ms. Phillips suggested development of a process to determine if a structure is habitable or not.

Commissioner Draper objected to any process which required County staff or the Assessor to make that determination.

Ms. Taylor stated it was possible to continue to bill and enforce the current Ordinance with only a clarification of the 300 acre exemption. Ms. Taylor noted the ordinance as written referred to "premises" and if enforced, this would include all types of buildings on a property.

Commissioner Allen commented on the issue of multiple billings for multiple buildings on a single property as a hardship particularly when one or more of the buildings was not habitable.

Attorney Morel stated the Board of Commissioners could revise definitions to tailor billing towards those who actually generate trash.

Ms. Taylor reminded the primary purpose of the Public Hearing was to discuss various problems and options but suggested approval of revisions for the purpose of creating an application process for large landowner exemptions.

Paul Baca, Assessor stated his office does adjust valuation based on the current condition of the buildings on any parcel, however he does not consider nor determine whether any particular dwelling was "habitable". Mr. Baca stated this type of determination is subjective.

Commissioner Stewart concurred with Commissioner Draper that all property owners had a responsibility to support solid waste collection services regardless of the condition of dwellings or length of occupation.

Commissioner Allen stated belief it was important to determine the actual client base and again objected to multiple billings for one property.

Curt Temple, Planning Director reminded slash removal service was included in the costs reported by GSWA. Mr. Temple stated if GSWA were to discontinue slash disposal in the County this would lead to other problems such as increased fire danger. Mr. Temple stated the collection and disposal of slash was an important consideration in any plan for services.

Chair Stone requested further public comment and receiving none recessed the Public Hearing and reconvened the Regular Meeting at 1:48:25 PM.

**Motion:** Direct the Manager to develop an application process for a three hundred acre landowner exemption from solid waste billing and present the application at the next Regular Meeting, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and reconvened the Public Hearing at 1:49:37 PM.

b. Adoption of the Preliminary Budget, Fiscal Year 2015-2016 by  
Resolution 2014-44

Ms. Taylor presented a revised budget based on recommendations from the Public Hearing of May 5, 2015. Ms. Taylor stated after incorporation of actions to approve or disapprove requests from external agencies as well as optional internal requests, Lincoln County's projected ending balance over required reserve was \$946,253.

Ms. Taylor stated today's public hearing would provide an opportunity for review of hospital and

clinic funding requests and the related imposition of the Hospital Mill Levy rates.

Ms. Taylor reminded Lincoln County Medical Center (LCMC) requested \$514,610 for operating funds and capital outlay for the clinics in Capitan, Carrizozo, and Corona. Ms. Taylor further reminded La Casa Buena Salud presented an increased request over prior years of \$266,000 based on the employment of a physician to provide services at the Hondo Clinic.

Seferino Montano, CEO of La Casa Buena Salud provided a history of La Casa's Hondo Clinic and past Lincoln County funding provisions. Mr. Montano noted La Casa received \$250,000 in operational funding in the first year of operations but a decision by the Board of Commissioners to issue a RFP for clinic operations resulted in La Casa providing services without financial assistance from the County until a subsequent mill levy election revised the language to include La Casa. Mr. Montano discussed the decision to staff the Hondo Clinic with a physician rather than a mid-level medical practitioner.

Ms. Taylor stated voters authorized 2.00 for hospital funding and 1.0 for clinics but noted in the current fiscal year the Board of County Commissioners approved imposition of 2.00 mills for the hospital and .6 mills for the clinics.

Commissioner Stewart commented the full funding of all clinic requests would exceed current mill levy clinic revenues. Commissioner Stewart questioned if La Casa might accommodate a reduced award of funding for operations.

Mr. Montano stated the clinic could accommodate a reduced award of funding as long as the level of funding was increased over last year's to help offset additional costs associated with staffing of a physician.

Commissioner Willard questioned if the placement of the physician would increase clinic visits and if so would the increase allow for a reduction in County funding in the future.

Mr. Montano stated if La Casa's placement of a physician resulted in increased revenues at the site he would have no objection to a reduction in funding as long as all clinics were subject to the same scrutiny.

Commissioner Stewart suggested La Casa's request of \$266,000 be reduced to \$139,560 to avoid exceeding total revenues anticipated from the .6 Clinic Mill Levy.

Paul Baca, Assessor discussed the increase in valuation this year of \$37 million dollars and the associated increase in mill levy revenues.

Dudley McCauley, Controller for LCMC commented on what LCMC classified as "hospital based clinics" including Family Medicine, Internal Medicine, General Surgery, OB/GYN, and Physical Therapy.

Commissioner Willard questioned if LCMC's current request for clinic and hospital funding presumed an increase in the total Mills imposed to 3.0.

Mr. McCauley confirmed the LCMC budget request was predicated on the estimated revenues from a full 3.0 Mill Levy imposition.

Chair Stone commented on the part time services provided at the Capitan Clinic and suggested the only basis for an increase in the imposed mill levy was an increase in clinic services.

Mr. McCauley stated LCMC's data did not support to provision of full time operations in the Capitan Clinic.

Chair Stone reminded that prior to Presbyterian and LCMC assumption of management, the Capitan Clinic was open on a full time basis.

Ms. Taylor noted the request from LCMC as presented would utilize all revenue from a full 3.0 mill levy imposition and no funding would remain for the La Casa Hondo Clinic.

Commissioner Draper noted LCMC's request as presented included funding for "hospital based clinics" for the first time. Commissioner Draper objected to LCMC's statement of "Attempting to segment our 3.0 Mil Levy by strictly hospital and clinic budget silos will erode the integrity of our healthcare delivery system in Lincoln County". Commissioner Draper questioned if the referenced "hospital based clinics" were qualified to receive "clinic" mill levy funds.

Attorney Morel reminded the question submitted to the voters specifically designated the recipients of funding as Capitan, Carrizozo, Corona and Hondo Clinics. Attorney Morel reminded the question voted on also differentiated between the imposition of mills for hospital funding and for clinic funding. Attorney Morel stated in the many years he had served as County Attorney this was the first time he had seen a reference to "hospital based clinics".

Ms. Taylor commented she was not able to ascertain from the information provided the amount of funding LCMC received through the Safety Net Care Pool. Ms. Taylor reminded this information was provided in prior years and was critical to any decision on hospital funding. Ms. Taylor suggested postponing the decision on budgeted funding for the hospital until the County received all information requested.

Commissioner Stewart stated the preliminary budget contained amounts derived from LCMC's original request for this fiscal year. Commissioner Stewart cautioned the inclusion of the hospital lease payment in the calculation of anticipated revenue was problematic if the lease was pledged to both operational requirements and capital outlay.

There was a brief discussion regarding the language of the hospital lease and potential restrictions for use of this revenue.

Receiving no further public comment, Chair Stone adjourned the Public Hearing and reconvened the Regular Meeting at 2:44:30 PM.

**Motion:** Approve the preliminary budget for LCMC and the rural clinics as presented with an adjustment to increase the La Casa Hondo Clinic budget to \$139,560, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

## **20. FEMA Emergency Declarations 4197 and 4199: Conventional Program vs. Alternative Procedures Pilot Program**

Ms. Taylor provided a history of the proposed FEMA projects and discussed the administrative options of the Conventional Program versus the Alternative Procedures Pilot Program. Ms. Taylor noted the Alternative Program provided an incentive to complete work at the most efficient cost and to utilize remaining funds for other projects. Ms. Taylor stated the Conventional Program provided for reimbursement based on actual costs of the identified projects regardless of whether the costs were greater or less than the original estimate.

Ms. Taylor stated based on initial staff recommendations and belief projects would be completed below cost the Board of County Commissioners agreed to administer projects under the Alternative Procedures Program. Ms. Taylor detailed various factors including the identification of additional damage to roads and the potential for cost overruns not reimbursable under the Alternative Procedures Program. Ms. Taylor stated based on current information the County should consider revising the FEMA agreement.

Mr. King stated the advantage of the Alternative Program was the ability to utilize any funds remaining for additional work but acknowledged the County was responsible for any cost overruns under this option. Mr. King stated since the original decision similar conditions and circumstances in other counties had initiated a second discussion about the most beneficial administration program.

Commissioner Stewart questioned if the cost of Mr. King's contract was included in the budgeted FEMA funding. Mr. King stated the budgeted costs included in the project worksheets for the FEMA application included costs for engineering and project management. Mr. King stated the County currently had two FEMA projects which included these costs but also six or so smaller projects.

Commissioner Stewart questioned the estimated cost of the large projects. Mr. King stated estimated costs for the two large projects was approximately \$9.7 million and encompassed 25 to 30 miles of damaged roads within the County.

Commissioner Stewart estimated the County's associated costs to obtain the FEMA funding as \$400,000 over the next three years and questioned if the projects merited the cost.

Ms. Taylor noted there was a carryover in disaster relief funds from last year. Ms. Taylor stated in subsequent years the County could budget for the match and utilize in kind services to offset actual expenditures.

Commissioner Stewart confirmed any work completed was reimbursable and was not dependent on the completion of all projects identified. Mr. King concurred and stated should the County choose to abandon projects FEMA would provide funding to offset the cost of actual work completed.

**Motion:** Amend the agreement with FEMA and NMDHSEM to reflect the change to the Conventional Program, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

## **21. 1:00 P.M.: Public Hearing - Continued**

**Motion:** Adopt Resolution 2014-44, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.

Commissioner Stewart objected to the motion and restated his concerns regarding the declining cash balance and the County's future ability to meet required reserves.

There was a general discussion about options to reduce expenditures such as External Agency requests and a suggestion from Commissioner Allen to consider a tax increase if necessary.

Ms. Taylor stated after consideration of revenues and expenditures which were budgeted conservatively, she supported the budget as presented.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**No:** Commissioner Stewart.

**SEE EXHIBIT E:** Copy of Resolution 2014-44 is attached hereto in reference thereto made a part hereof.

## **22. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance**

No action taken.

## **23. Consideration of Appointments and Removals from Boards/ Commissioners/ Committees:**

- a. Lincoln Historic Preservation Board
- b. Planning Commission
- c. Senior Citizens Olympic Committee

No action taken.

## **24. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**

**Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

**New or Updated Matters since last report = \***

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.



\*2. *Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095*. Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue its Motion for Sanctions May 8, 2015.

3. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104*. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept. 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The case has been submitted to a panel of judges for decision and the County received Notice of Submission from the Court of Appeals Jan. 2, 2015.

4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041*. Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

#### Tort Claims Notices Received or Threatened

##### 2015

**Cherry, Doris** – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

**McDaniel, Carl** – Tort Claim Notice received Jan. 23, 2015 alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

**UNM Hospital-Prins, Chad** – Tort Claim Notice received Feb. 26, 2015 in which UNM Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center inmate Prins was on furlough.

**Sehorn, Sean M.** – Tort claim Notice received March 2, 2015 alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

**Lavin, Erica L. and Rathgeber, Jack** – Tort Claim Notice received March 2, 2015 alleging Constitutional Rights were violated resulting in wrongful termination.

**Hanley, Constance** – Tort Claim Notice received March 20, 2015 from attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

**Capitan Iron Mine through A. Blair Dunn** – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

**Chavez, Billy** – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

**Preston, DeAnna** – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22, 2015 through attorney J. Robert Beauvais against the County of Lincoln in reference to Dep. Preston's Disciplinary Action Dispute.

**\*Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy, Lincoln County Sheriff Robert Shepperd, and the County of Lincoln** – Tort Claim Notice received May 4, 2015 from Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4<sup>th</sup> Amendment rights.

**\*Culp, Susan v. LCMC/Lincoln County**: Tort Claim Notice received May 4, 2015 by Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

**2014**

**Ramos, Aaron** – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges damages by not being granted detainee to detainee correspondence.

**Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

**Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

**Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

**Herbert, Crystal** – Tort Claim Notice received June 23, 2014 alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

**Class Action** – Tort Claim Notice received June 23, 2014 alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

**Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

**McGarry, Sean** – Tort Claim Notice received July 25, 2014 alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

**Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

**Lambert, David and Bonnie** – Tort Claim Notice received Sept. 8, 2014 by attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

**Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20, 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers destroyed items in a home.

**Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8<sup>th</sup> Amendment Rights.

**Ryen, Allen** – Tort Claim Notice received Oct. 27, 2014 by attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

**Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

**McMurray, Cody** – Tort Claim Notice received Nov. 6, 2014 by attorney W. Chris Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

**Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

**Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

**Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

**McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

**Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

**Inmate Group** – Tort Claim Notice received Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

**2013**

**Allen, Katherine Elizabeth** – Notice of Tort Claim received Sept. 12, 2013 from Katherine Allen against Lincoln County Detention Center for alleged injuries sustained during transport.

**Borrego, Albert** – Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury. Claim has been denied by NMAC.

**Espinoza, Robert** – Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

**Harrisburg Documents** – Attempts to recover Lincoln County documents illegally taken from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

**Silva, Elmo** - Tort Claim Notice received from attorney Richard Marquez November 6, 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12<sup>th</sup> Judicial District Court to 38 years filed on July 3, 1990.

**Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:50:12 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:48:57 PM.

Commissioner Draper attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

**Motion:** Authorize the Manager to expend \$12,000 plus Gross Receipts Tax and not one penny more to install security measures for the District Attorney's office space in the Annex building,

**Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**25. Greentree Solid Waste Authority items for consideration/action:**

- a. Re-negotiation of the current Joint Powers Agreement should the County of Lincoln elect to remain a full member of Greentree Solid Waste Authority. **Tabled**
- b. Potential Action on Rates for Solid Waste Collection Services in Lincoln County outside municipalities and Alto Lakes Water and Sanitation District by Resolution 2014-40 – **Tabled**
- c. Consideration of Options:
  - i. Issue Third party Request for Proposal (RFP) for County of Lincoln Solid Waste Services. - **Tabled**
  - ii. Negotiation of Joint Powers Agreement and the status of the County of Lincoln should an RFP for a Third Party Contract for Services be sought.
- d. Any and all other items pertaining to Greentree Solid Waste Authority and the County of Lincoln.

**Motion:** Remove Item 25 (c) (i) from the table, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**Motion:** Direct the Manager to enter into a third party contract with Gordon Environmental to develop an RFP for Solid Waste Services, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**27. Signing of Official Documents**

**28. Next meetings:**

- a. June 23, 2015, Regular Commission Meeting
- b. July 21, 2015, Regular Commission Meeting

**29. Adjourn**

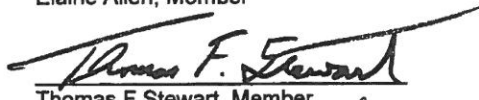
There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:52:50 PM.


County of Lincoln  
Board of County Commissioners

  
Preston Stone, Chair

  
Dallas Draper, Vice Chair

  
Elaine Allen, Member

  
Thomas F Stewart, Member

  
F Lynn Willard, Member

ATTEST:

  
Rhonda Burrows, County Clerk

June 23, 2015  
Date Approved

